

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ilya M. Fishman, et al

Serial No.: 9/416.081

Art Unit 2633

Date Filed: October 12, 1999

Examiner: Sedghian

For: Multi-Channel Optical Communicaiton  
System & Method Using Wavelength and  
Coherence Division of MultiplexingAttorney WEI002  
Docket No.*\*NOTE: Insert name(s) of inventor(s) and title also for patent.*Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450STATEMENT UNDER 37 CFR 3.73(b)—  
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION

NOTE: 37 CFR 3.73(b) states "when an assignee seeks to take action in a matter before the Office with respect to a patent application ..., patent, registration, or reexamination proceeding, the assignee must establish its ownership of the property to the satisfaction of the Commissioner. Ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g. reel and frame number) where such evidence is recorded in the Office. The submission establishing ownership must be signed by a party authorized to action on behalf of the assignee. Document submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office."

NOTE: "Section 3.73(b) is amended to remove the sentence requiring an assignee to specifically state that the evidentiary documents have been reviewed and to certify that title is in the assignee seeking to take action. The sentence is deemed to be unnecessary in view of the amendment to §§ 1.4(d) and 10.18."

1. The assignee of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

## 2. IDENTIFICATION OF ASSIGNEE

Name of Assignee: FUTUREWEI TECHNOLOGIES, INC.

Type of Assignee, e.g. Corporation, partnership, university, etc.: a corporation.

(Power of Attorney by Assignee of Entire Interest [12-2]—page 1 of 2)

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**3. Person Authorized to Sign.**

Name of Person Authorized to sign on behalf of assignee: \_\_\_\_\_

Title of Person authorized to sign: \_\_\_\_\_

NOTE: The Notice of April 30, 1993 (1150 O.G. 62-64) points out:

"The statement under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following two manners if the assignee is an organization (e.g. corporation, partnership, university, government agency, etc.).

- "(1) The statement may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. A person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the statement on behalf of the assignee.
- (2) The statement may be signed by any person, if the statement includes an averment that the person is empowered to sign the statement on behalf of the assignee and, if not signed by a registered practitioner, the statement must be in oath or declaration form. Where a statement does not include such an averment, and the person signing does not hold a position in the organization that would give a rise to a presumption that the person is empowered to sign the statement on behalf of the assignee, evidence of the person's authority to sign will be required."

☒ I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee

**4. BASIS OF ASSIGNEE'S INTEREST**

Ownership by the assignee is established as follows:

A.

1. ☒ An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO on 8/18/00 at Reel 011055, Frame 0321.
2. ☒ An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO on 3/22/02 at Reel 012506, Frame 0788.
3. ☐ An assignment (document) separately being submitted for recordal herewith.
4. ☐ An assignment from the inventor(s) of the matter identified above which was mailed to the PTO on \_\_\_\_\_, a copy of which is enclosed herewith.

AND/OR

Gary L. Bush, Esq.  
Andrews & Kurth L.L.P.  
600 Travis, Suite 4200  
Houston, Texas 77002-2778  
713/220-4726 (telephone)  
713/220-4285 (facsimile)  
garybush@andrewskurth.com

Sincerely,

FUTUREWEI TECHNOLOGIES, INC.

By: [Signature]  
Name: Harbo Lin  
Title: VP R&D

Date: 8/26, 2003

- ☒ Recorded in PTO on 8/18/00  
Reel 011055  
Frame 0321
- ☐ Recorded herewith
- ☐ Mailed to the PTO on \_\_\_\_\_ a copy of which is enclosed herewith
- ☒ Recorded in PTO on 03/22/02  
Reel 012506  
Frame 0788
- ☐ Recorded herewith
- ☐ Mailed to the PTO on \_\_\_\_\_ a copy of which is enclosed herewith.

ASSIGNEE STATEMENT  
(if applicable)

Attached to this power is a "STATEMENT UNDER 37 C.F.R. § 3.73(b)."

By: [Signature]  
Name: Harbo Lin  
Title: VP R&D

FUTUREWEI TECHNOLOGIES, INC.

Date: 8/26/03

NOTE: The assignee of the entire interest may revoke previous powers and be represented by an attorney of his or her selection. 37 C.F.R. § 1.36.

(Power of Attorney by Assignee of Entire Interest (12-2)—page 2 of 2)

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Docket No.*\*NOTE: Insert name(s) of inventor(s) and title also for patent.*Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**POWER OF ATTORNEY  
(REVOCATION OF PRIOR POWERS)**

As Applicant/Assignee of record of the entire interest of the above identified

☒ application,☐ patent,**REVOCATION OF PRIOR POWERS OF ATTORNEY  
AND APPOINTMENT OF NEW POWER OF ATTORNEY**

In accordance with 37 C.F.R. § 1.36, the undersigned hereby revokes all prior powers of attorney entered in the instant patent and appoints Gary L. Bush, Registration No. 27,423 and James L. Jackson, Registration No. 20,791 each an attorney or agent of the firm of Andrews & Kurth L.L.P., as its attorney or agent for so long as they remain with such firm to prosecute and transact all business in the Patent and Trademark Office in connection therewith. All future actions and correspondence may be directed to:

(Power of Attorney by Assignee of Entire Interest (12.2)—page 1 of 2)

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B.

- ☐ A chain of title from the Inventor(s) to the current assignee as shown below:

1. From: \_\_\_\_\_  
To: \_\_\_\_\_  
PTO: \_\_\_\_\_ Recorded in the  
Reel: \_\_\_\_\_  
Frame: \_\_\_\_\_
2. From: \_\_\_\_\_  
To: \_\_\_\_\_  
PTO: \_\_\_\_\_ Recorded in the  
Reel: \_\_\_\_\_  
Frame: \_\_\_\_\_
3. From: \_\_\_\_\_  
To: \_\_\_\_\_  
PTO: \_\_\_\_\_ Recorded in the  
Reel: \_\_\_\_\_  
Frame: \_\_\_\_\_

(check item below, and add details, if applicable)

- ☐ Additional documents in the chain of title are listed in the attached Supplemental Sheet.

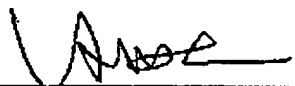
## 5. COPIES OF DOCUMENTS IN CHAIN OF TITLE

(complete this item, if copies are being sent)

- ☒ Copies of the Assignment(s) or other document(s) in the chain of title are attached as follows:

<input checked="" type="checkbox"/>	A	<input type="checkbox"/>	1	<input type="checkbox"/>	2	
<input type="checkbox"/>	B	<input type="checkbox"/>	1	<input type="checkbox"/>	2	<input type="checkbox"/> 3

FUTUREWEI TECHNOLOGIES, INC.

  
Name: Haiibo Lin  
Title: VP R&D  
Signature of Authorized Person

Date: \_\_\_\_\_, 2003